

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 08, 2017

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Rusty Lee Garcia

Case Number: 0980 2:11CR02094-EFS-1

Address of Offender: [REDACTED], Spokane, Washington 99205

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: January 26, 2012

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 77 months;
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: August 18, 2017

Defense Attorney: Federal Public Defender

Date Supervision Expires: August 17, 2020

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 09/26/2017, and 10/18/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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3

Mandatory Condition # 4: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

Supporting Evidence: On August 18, 2017, Mr. Rusty Garcia signed his conditions of supervision relative to case number 2:11CR02094-EFS-1, indicating that he understood all conditions as ordered by the Court. Specifically, Mr. Garcia was made aware by his U.S. probation officer that he must refrain from any unlawful use of a controlled substance.

Mr. Garcia is alleged to have violated mandatory condition number 4, by ingesting methamphetamine on or about both Friday, December 1, and Saturday, December 2, 2017, as well as ingesting marijuana on or about Sunday, December 3, 2017, based on his admission.

On December 1, 2017, the undersigned officer received notification from Pioneer Human Services (PHS) that Mr. Garcia had failed to appear for random urinalysis testing as required. Mr. Garcia was contacted that date and indicated that he was confused over his

Re: Garcia, Rusty Lee

December 6, 2017

Page 2

assigned color. Mr. Garcia was directed to report to U.S. Probation that date for urinalysis testing, which he agreed to do.

On Monday, December 4, 2017, it was learned that Mr. Garcia instead reported to PHS for urinalysis testing and he later indicated he did not arrive at the U.S. Probation Office until close of business, at which point he was denied access. PHS confirmed the client did report for urinalysis testing, but showed him as a “stall” indicating the amount of his sample produced was insufficient for testing or for laboratory confirmation.

On December 5, 2017, Mr. Garcia reported to U.S. Probation and indicated that he has used methamphetamine on both December 1, and 2, 2017, following the statement of PHS staff that his sample would be considered positive due to his failure to submit a sample of sufficient quantity. Mr. Garcia stated he then used marijuana on December 3, 2017, to help him deal with the effects of the methamphetamine.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 6, 2017

s/Chris Heinen

Chris Heinen

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☒ Defendant to appear before the Judge assigned to the case.



Signature of Judicial Officer

December 8, 2017

Date